United Nations S/PV.7392

Security Council

Seventieth year

Provisional

7392nd meeting

Tuesday, 24 February 2015, 3 p.m.

New York

President:	Mr. Shen Bo	(China)
Members:	Angola	Mr. Gaspar Martins
	Chad	Mr. Gombo
	Chile	Mr. Olguín Cigarroa
	France	Mr. Lamek
	Jordan	Mr. Hmoud
	Lithuania	Ms. Murmokaitė
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Taula
	Nigeria	Mr. Laro
	Russian Federation	Mr. Iliichev
	Spain	Mr. Oyarzun Marchesi
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Power
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

Report of the Secretary-General on South Sudan (S/2015/118)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

15-04997 (E)

Accessible document Please recycle

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

Report of the Secretary-General on South Sudan (S/2015/118)

The President (*spoke in Chinese*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of South Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2015/118, which contains the report of the Secretary-General on South Sudan.

I now give the floor to Mr. Ladsous.

Mr. Ladsous (*spoke in French*): I thank you, Sir, for this opportunity to introduce the latest report of the Secretary-General on South Sudan, issued on 17 February (S/2015/118). As always, I shall take this opportunity to inform the Council on operational developments since then.

As Council members know, the security situation in South Sudan is very worrisome. Many violations of the Cessation of Hostilities Agreement, signed more than a year ago on 23 January 2014, have been reported and confirmed, as have numerous clashes between Government and opposition forces, in particular in Unity and Upper Nile states. On 10 February in Unity state, many bombings were reported in the region of Madrassa, south-west of Bentiu. The Sudan People's Liberation Army (SPLA) reported having opened fire after observing the SPLA in Oppostion advance on the city of Bentiu. Our force could not confirm this development on the lines of defence around Bentiu. On 13 February, the SPLA also captured at least five members of the opposition army following clashes between Bentiu and Guit, and those five remain in detention.

Similarly, in Upper Nile state, the security situation has recently been dominated by sustained exchanges of fire between the SPLA and the armed opposition from 8 to 17 February in the Nasir region beyond the Sobat River. There have also been reports of new clashes in the counties of Maban, Melut and Manyo over the past 10 days. The clashes in these states clearly indicate that the oil fields located there remain prime targets for the forces of the military opposition.

At the same time, both sides continue to mobilize and deploy new recruits in preparation for further clashes, while the ongoing dry season opens up new lines of communication and movements of troops and equipment. On 15 February, the United Nations Mission in South Sudan (UNMISS) was informed that armed men, probably belonging to a Shilluk militia allied to the Government, had forcibly recruited at least 89 children from camps for internally displaced persons (IDPs) in Malakal county, Upper Nile state. Eyewitnesses reported to UNICEF that gunmen had surrounded the entire area and searched every house for boys older than 12 years.

Meanwhile, in Pibor county, Jonglei state, the slow integration of Murle forces and the lack of financial resources pledged to the Greater Pibor Administrative Area have the potential to destabilize the agreement of 28 March between the Cobra faction of the South Sudan Defence Army, led by David Yau Yau, and the Government. General Joshua Konyi was appointed Commander of the SPLA in the region, which has also raised tensions because Konyi, a former commissioner of Pibor county, had worked closely with the Sudan People's Liberation Army against the forces of David Yau Yau in the region. We have also received reports that the Murle community had reached an agreement with the Lou-Nuer — which in itself would be an unusual development — to prevent SPLA troops to move through their territory if they were planning to undertake operations to regions under the control of the armed opposition. Currently, there is a great danger that the conflict could spread in the coming months to Pibor and Akobo counties, in Jonglei state.

Tension also mounted in the region of Equatoria, due to the massive influx from Jonglei and Lakes states of heavily armed Dinka nomads, with more than 250,000 head of cattle, onto their neighbors' arable land. These movements reflect long-standing confrontations over

grazing areas south of Lakes and Jonglei states. It is clear that this hotspots could easily turn into war zones.

Furthermore, internal political disputes within the coalition Government in the states of Northern and Western Bahr el-Ghazal have resulted in the somewhat questionable disqualification of the Acting Governor and the President of the local legislature. These tensions could also lead to new intercommunal conflict, even though those two states had until recently remained relatively peaceful despite developments elsewhere in the country.

(*spoke in English*)

The volatile security environment is directly illustrates the continued lack of political will of the parties. The Government and opposition do not seem to take the political negotiations seriously and appear unwilling to make the necessary compromises. The situation at the peace talks in Addis Ababa cannot be described in any other way but as a serious failure on the part of a leadership that remains focused on its pursuit for power rather than on care of its people. The talks are stalled over the three issues of power-sharing, security arrangements and constitutional reforms. The likelihood of either side softening its stance remains low.

Council members will have noted that, on 21 January in Arusha, the parties signed an agreement to unify the Sudan People's Liberation Movement, following talks facilitated by Chama Cha Mapinduzi, which is apparently the ruling party in Tanzania. On 16 February, the parties signed another document, including a road map matrix with specific timelines, to implement the Arusha Agreement. But, in view of the prevailing environment and uncompromising positions expressed by President Kiir and Mr. Machar, the actual implementation of the matrix is very much in doubt.

Last week, on 13 February, the Government announced that it would postpone the general and presidential elections by two years and propose to the National Legislature a constitutional amendment that would extend the terms of the Office of the President and of the National Legislature until 9 July 2017. On 19 February, the Government presented the proposed bill for the amendment of the 2011 Transitional Constitution to members of both houses, who had been recalled from recess for a special sitting. Members of both houses now have one month to look at the proposal, following which the bill would require passage by a two-third majority in both houses, sitting separately. Given the majority enjoyed by the Government in the Legislature, this proposal is likely to be adopted. This step is a response to what was perceived as a strategy of the opposition to call into question the legitimacy of the Government and the President after June this year, and to do so officially so that it would not have to negotiate under pressure. Of course, one can only be concerned that this two-year timeline may become yet another incentive to defer the reaching of compromises necessary for a peace agreement.

Lastly, I have to underline the shrinking of political space and freedoms. That is worrying. Journalists have been detained and harassed for criticizing the Government. The *Nation Mirror* newspaper was closed down on 3 February, after publishing an article claiming that Government forces had abandoned a key town near the international border with the Sudan. On 16 February, even the United Nations Radio Miraya was threatened with shutdown if it continued to interview opposition leaders. Since then, Special Representative Ellen Løj has addressed that situation in a meeting with the Minister of Information of South Sudan, but we remain very concerned about the general trend of shrinking press freedom in the country. Meanwhile, opposition political parties also continue to be prevented from participating in the Addis Ababa peace talks.

The humanitarian situation in South Sudan is at high risk of deteriorating further over the coming months. We currently host 113,000 IDPs in eight sites, and there are an additional 1.5 million displaced across the country as well as close to 500,000 outside it. As fighting continues, displacement is increasing. Over the past two months alone, about 100,000 additional people were displaced despite the fact that it has been a period of relative calm. The number of food-insecure civilians is expected to rise further as we approach the lean season. About 2.5 million people are already in emergency and crisis levels of food insecurity — almost twice as many as in December 2013, when the crisis started — and an additional 3.9 million people are in a state of stress when it comes to food security. In line with seasonal patterns, a drastic deterioration could occur between April and July this year, when the lean season reaches its peak. Needless to say, conflict-affected states are most at risk because markets have been destroyed and foods stocks have been and are being depleted prematurely. Every effort is being made to bring assistance to those in need. Insecurity and

harassment, especially for national humanitarian staff, are hampering response efforts.

As I stated in my last briefing, UNMISS continues to take every opportunity to move from protection by location to protection by presence. The emphasis is increasingly on conducting dynamic, integrated patrols to enhance the protection and reassurance of local communities and to gather vital information to facilitate appropriate and timely responses to new threats. Last month alone, UNMISS conducted over 5,000 patrols through South Sudan of various natures: short-duration, long duration, dismounted, integrated and dynamic air patrols. The vast majority of these missions have been focused on positive and proactive engagement with vulnerable communities outside our bases.

We have established temporary operating bases in key population centres as part of this strategy. For the time being, we are looking at options for establishing forward-operating bases in Bentiu, Malakal and Bor, and seeking the approval of local authorities to that end. We have prepared contingency plans in the event of a worsening security situation. Those plans rely on maintaining quick-reaction forces at a high level of readiness so they can respond swiftly and robustly. All battalions are expected to be able to exercise flexibility so as to act as reinforcements anywhere in the country.

We now have roughly 3,500 of the 5,500 newly authorized troops deployed, and full deployment of the infantry and their enablers will be completed by April, enabling the Mission to further expand its presence in the country. Six of nine utility helicopters have been deployed, and we are pursuing the deployment of tactical helicopter units from Ethiopia and Rwanda. Deployment of a Chinese battalion and additional troops from Kenya is currently under way, and the balance of the troops from Ghana and a riverine unit from Bangladesh will also be deployed in the near future, hopefully by April.

I would have to add that we have continued to experience violations of the status-of-forces agreement (SOFA) such as restrictions of movement, impounding of assets, threats to our personnel and premises, assaults, harassment, arrests, detentions and restrictions on imports of equipment, including, for a while, equipment for the Chinese and Ethiopian contingents. Those seem to be clearing, but we still have to see what will happen on the ground. Yesterday, I circulated a fact sheet on SOFA violations to give the Council a breakdown of all such events that occurred in January.

So we have a very fragile security environment and an ongoing round of peace talks that is not very likely to achieve more progress. I think that now more than ever there is an urgent need to reinforce the mediation efforts and to impose consequences on the parties if they fail to show willingness to compromise and continue to engage in a conflict that will result in the further loss of innocent lives. Even more important in that regard is the need for accountability for war crimes and crimes against humanity, which cannot go unpunished. Accountability is indispensable to long-term peace and reconciliation. The culture of impunity must end, and those responsible for keeping it going must therefore be brought to justice. Since the peace talks have just resumed, I would urge the Council to perhaps look at the possibility of issuing a strong presidential statement that would call on the parties to immediately cease all military operations and make the compromises necessary to reach a comprehensive peace agreement during this round of talks or else face the consequences.

The President (*spoke in Chinese*): I thank Mr. Ladsous for his briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: Thank you for this opportunity to address the Council, Mr. President. A couple of weeks ago, I returned to South Sudan after a year's absence, visiting Government-controlled areas and those held by the opposition. Though the scale and severity of the conflict has recently declined, the number of displaced persons and refugees has continued to grow, reaching 2 million, with thousands more civilians dead. Further violations of humanitarian law and human rights have been committed by both sides, as described in public human-rights reports issued by the United Nations Mission in South Sudan (UNMISS) in December and January. There are more people, now more than 110,000 and mainly women and children, seeking our protection in our protection-of-civilian sites. Displaced people told me they were frightened. They had nowhere to go, and both sides seem to be re-arming and preparing for a new military campaign.

In Juba, I met people whose entire families had been executed, based primarily on their ethnicity, as well as women and girls taken as sex slaves after their husbands had been killed. In Malakal, there

was a woman whose disabled husband, a doctor, was shot dead in a teaching hospital last April, along with hundreds of others. In Bentiu, I visited a hospital where in April a group of civilians seeking safety were herded into a small room and shot dead. Returning from the hospital, I encountered child soldiers and saw drunken soldiers at a checkpoint shouting and mocking a group of female civilians. Women sneak out of the United Nations protection site during the day to collect firewood and go to the market, and then return to the camp in the evening. Some of them, they told me, are being harassed and raped.

Besides the conflict between the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition, there are many local conflicts across the country between tribes and even within clans of the same tribe. They involve looting and cattle raiding, but also killings and sexual violence. There is widespread possession of illegal arms, including AK-47s, which only adds to the insecurity. Many Government officials told me that the people of South Sudan fought for decades for their dignity, independence and human rights. What I saw on my mission was certainly not what they were fighting for. After decades of killing and other violations, there is a need for cultural change based on respect for human life and human rights. While it may take two leaders to end a war in South Sudan, it takes many for peace to become sustainable. The ongoing peace process and future political arrangements must include representatives of all ethnic groups, women, elders, religious leaders, young people and other civil-society actors.

The conflict has not only affected civilians' civil and political rights; it has also had severe social and economic effects. Millions of dollars that could have been directed towards social development have been wasted, first on corruption and then on fighting over the spoils between two groups of army veterans and their leaders. Owing to the fact that economic trade has been suspended, millions have also been lost by neighbouring States, and the international community has been investing in emergency relief instead of capacity-building and development. Prior to the conflict, South Sudan, a country rich in oil, had an annual per-capita gross domestic product of $1,045. In spite of that, its levels of illiteracy and child and maternal mortality are among the highest in the world.

Some positive developments provide hope that the future may be better. Talking to people, I noticed an increasing desire for peace, justice, human rights, social development and political participation. Representatives of all 65 tribes met last week in Juba expressing similar demands. They encouraged the United Nations, the African Union (AU), the Intergovernmental Authority on Development and the troika of the European Commission, the European Central Bank and the International Monetary Fund to impose sanctions not on the country as a whole but on parties or individuals who refuse to sign agreements or respect peace. The Government has also undertaken important human-rights commitments, and I welcome the ratification of a series of international human-rights instruments. President Kiir has assured me that the ratification instruments will be deposited with the Secretary-General in the next few days.

Let me now turn to the issue of accountability. There is broad acknowledgement, in and out of South Sudan, of the need to break the cycle of impunity with some concrete accountability measures. As a local civil-society activist told me, peace has always died when we ignored justice. The African Union (AU) has undertaken an important initiative with its establishment of a commission of inquiry into the human-rights violations committed in South Sudan following the outbreak of violence in December 2013. Its report has been submitted to the AU Peace and Security Council, but its consideration has been deferred, as that Council put it, until the imminent conclusion of the peace agreement. In his recent report to the Security Council (S/2015/118), the Secretary-General requested the African Union to urgently consider the report and its recommendations.

I discussed the issues of command responsibility, accountability and combating impunity with President Kiir in Juba and with Mr. Machar in Addis. President Kiir assured me that the results of the national investigations into human rights violations following the outbreak of violence, presented to him in December 2014, will be publicly released soon — however, only after a peace agreement is in place.

I welcome the accountability references in the recently signed Arusha and Addis agreements that outline the creation of a hybrid criminal court and the establishment of transitional justice processes, including truth and reconciliation measures and a reparations commission. Indeed, meaningful accountability for serious human rights violations committed during the conflict is the only way to prevent their reoccurrence.

But to be able to deliver in this respect, there is a need to improve the security and justice systems. The formal justice system, already very weak, has completely broken down in the conflict-affected areas. I heard from the Chief Justice that in the whole of the country, there are fewer than 200 judges. In Eastern Equatoria State, which is larger than many European countries, there are only two prosecutors. The National Chief of Police told me that 70 per cent of his police officers are illiterate, so he can rely on just 3,000 out of 10,000 of them to carry out law-and-order functions.

When I was visiting prisoners on death row in Juba Central Prison, one of them complained to me that he should be immediately released because he paid the "blood money." The prison director had promised to release him if this could be confirmed.

It is of the utmost importance that the Council remain seized of the question of accountability for past and present violations of international human rights and humanitarian law in South Sudan. It is important to continue to encourage the Government to release the findings of its own investigations and to encourage the African Union to release the report of the Commission of Inquiry. Together, these reports may form the basis of an accountability process that can contribute to ending the cycle of violence and impunity and pave the way to reconciliation and sustainable peace.

In the meantime, for peace to be reached, a conducive atmosphere is essential. To contribute to that, the Council may wish to encourage human-rights-centred confidence-building measures between the parties. These could include cooperation in tracing missing persons; help in family reunification; and access to and the release of all conflict-related detainees by both sides under the principle of "all for all".

Also, a free and inclusive dialogue is crucial for reaching sustainable peace and building a democratic society. Current restrictions on the freedom of expression against civil society and local media are in this respect quite disturbing. As Under-Secretary-General Ladsous mentioned, journalists have been detained and threatened, and newspapers have been confiscated and closed. Most recently, threats to close it down have even been made against the United Nations own radio station in the country, Radio Miraya.

No effort should be spared for the peace to be reached sooner rather than later. Those in the camps are the 110,000 fortunate ones whom we feed and protect; the remaining almost 2 million are far worse off. There is, for example, a group of 260 displaced persons residing in an abandoned building in Malakal, hoping to find a place in our overcrowded protection-of-civilians site. After brutal attacks on them, and unable to reach our protection site there, those displaced persons, which included elderly people, persons with disabilities, pregnant women and children, walked 100 kilometres from Jonglei state. They are predominantly women, because a number of men have been killed. As their chief, who had been detained and tortured, himself told me, "Most of them have lost their husbands, have been raped, or both. But they hope for a better future for their children".

The President (*spoke in Chinese*): I thank Mr. Šimonović for his briefing.

I now give the floor to the representative of South Sudan.

Mr. Deng (South Sudan): Let me begin by congratulating you on your assumption of the presidency for the month of February. Although it is rather late in the month, I would like to assure you of the full cooperation of our delegation.

Let me also thank you, Mr. President, and members of the Security Council for giving me the opportunity to address the Council on this issue of vital importance to my country. I must confess that I do so with mixed feelings.

On the one hand, we are deeply appreciative of the crucial contribution that the United Nations Mission in South Sudan (UNMISS) is making in our country in critically important areas and under very trying circumstances. UNMISS emerged out of the strong support and solidarity that the international community had for our new country, which had been devastated and rendered vulnerable for half a century by war. This initial support now extends to helping the country respond to the crisis that broke out in mid-December 2013 and soon expanded into a full-fledged civil war.

On the other hand, the picture that the report (S/2015/118) paints is very disturbing and a challenge to our pride, dignity and the value of our independence and sovereignty. This, of course, should intensify our motivation to find a remedy with a sense of urgency, in collaboration with our regional and international partners. But for our Government and people, it also gives rise to paradoxical feelings about our place in the international community and our relations with those

with the goodwill to help the country and its suffering people.

As I have repeatedly stated to the Council, painful as the reports of violence and gross violations of human rights in our country are, we do not want to be defensive or in denial. Quite the contrary, as I have just indicated, we appreciate and are grateful that all this is a manifestation of the support that the international community is demonstrating for our beleaguered country and suffering people. The critical question is, what can we do together to address this national crisis.

As I read the report of the Secretary-General and heard the statements just made, I was struck by two elements that may provide a basis for collaboration in resolving the crisis. The first is the impression given that the whole country is in turmoil. We know that while three states are affected by the conflict, the rest of the country, seven states, is experiencing relative peace and harmony. Secondly, the impression conveyed by the report is that the international community, through UNMISS, is virtually the one managing the situation, with the Government manifestly failing in discharging its primary responsibility for protecting and assisting its populations. Worse, it is made to look as though the international community cares more about the people of South Sudan than their own leaders. One has to witness the pain that President Salva Kiir feels and articulates about this senseless war and the suffering it is inflicting on our people to appreciate how much he cares for his country and all his people.

There is a need to bridge the discrepancy between the primary responsibility of the State and the complementary support of the international community, in this case, UNMISS. Although South Sudan is now violently divided between the Government and the opposition, it is important to remember that the leadership was popularly elected and represents the legitimacy of the Government and the sovereignty of the country. It is of course prudent to be connected to both sides and to work on fostering national consensus, but the United Nations should work in collaboration with the current Government to address the practical problems facing the country.

It is one thing to condemn the leadership of the country and threaten the imposition of sanctions, which, as I have had occasion to say to the Council, would only generate an adversarial relationship and aggravate the situation; it is quite another thing to reaffirm that the international community went to South Sudan in the first place to support the country, that recent developments may indeed undermine the nature and magnitude of that support, but that remedies can be found to restore a constructive basis for partnership in the stabilization and development of the country. It would be an ironic double jeopardy to punish a country that is already suffering from an acute crisis. I believe it would be appropriate for UNMISS and the country team to meet with the country's relevant authorities in the Government to discuss and strategize the most constructive way of addressing these crises and concurrently use their mutual strategic understanding as a basis for reaching out to the armed opposition.

What the report does not cover, or even allude to, presumably because of its complexity and sensitivity, is the interconnection between the conflicts within the Sudan and South Sudan that spill over their borders and paradoxically bind them together. Each country accuses the other of supporting its rebels, although they both deny those allegations. But, unless these internal conflicts are addressed to promote a comprehensive regional peace, the two countries will not be at peace internally or between themselves. I realize that this is probably asking too much of the Council and the two countries, but it is a perspective that should not be overlooked.

Needless to say, I am not expecting any miracles in the search for solutions to these challenges. What I am proposing is to bridge the impression that the United Nations is virtually running the country, that the Government is delinquent in discharging its primary responsibility for the protection of its population and that there are no national policies, plans or programmes for addressing the crisis the country is going through. I also believe that it is necessary to put the crisis in the regional context to promote broader regional cooperation, specifically between the Sudan and South Sudan. To develop common ground towards that admittedly ambitious vision, it is in our mutual interests to improve communication, cooperation and complementarity in addressing the challenges within South Sudan and its relationship with the Sudan.

The President (*spoke in Chinese*): There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.45 p.m.